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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,850	05/31/2005	Laurent Gardes	FR 020132	6243

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BRIARCLIFF MANOR, NY 10510

EXAMINER

MENTOZA, JUNIOR O

ART UNIT

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2423

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,850

Applicant(s)

GARDES, LAURENT

Examiner

JUNIOR O. MENDOZA

Art Unit

2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-6 and 8-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 4-6 and 8-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/22/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 8, 9 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 4 and 8 – 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao (Patent No US 7,278,152) in view of Igawa et al (Patent No US 7,100,192). Hereinafter, referenced as Rao and Igawa, respectively.

Regarding **claim 1**, Rao discloses a system for broadcasting a video program to several destinations (Abstract, col. 2 lines 41-52; distributing content to subscriber units), comprising:

an assembly of broadcasting sources (servers 209) suitable for ensuring the transmission, on an information transmission network, of several video signals comprising the same video program and shifted with respect to time (Col. 18 lines 18-52 and figure 13B; Near video on demand NVOD services),

and means for controlling and managing broadcasting sources that are adapted to ensure temporal shifts between the video signals supplied by the different sources, all of which are proportional to one and the same elementary shift interval (Col. 15 lines 18-26 and figure 13B; NVOD service of the same content provided in staggered times),

and include means for receiving a request for a video signal as from a given position (Col. 19 lines 42-58 and figure 13B; user request),

wherein the controlling and managing means are adapted to control the broadcasting source for broadcasting the video signal as from the given position only in the case of receiving a request for said video signal as from the given position (Col. 19 lines 42-58, col. 20 lines 2-25; if no subscriber has requested a certain stream then data does not start streaming until a user request is detected from a given position, see figure 13B).

However, it is noted that Rao fails to explicitly disclose an assembly of broadcasting sources which controls one of the broadcasting sources for broadcasting a video signal.

Nevertheless, in a similar field of endeavor Igawa discloses an assembly of broadcasting sources which controls one of the broadcasting sources for broadcasting a video signal. (Col. 7 lines 22-28 also exhibited on fig 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rao by specifically providing the elements mentioned above, as taught by Igawa, for the purpose of including a group of sources that are capable of handling and servicing a big number of content requests by being able to address each one of the content sources individually; allowing a network workload to be more efficiently spread out through a group of networks.

Regarding **claim 4**, Rao and Igawa disclose the system of claim 1; moreover, Rao discloses that the controlling and managing means include: means for receiving a request for a video signal as from a given position (Col. 19 lines 42-58 and figure 13B; user request).

However, it is noted that Rao fails to explicitly disclose that each broadcasting source includes an address on the information transmission network allowing, at a destination, the connection to the broadcasting source and the reception of the video signal broadcast thereby and means for addressing, to the requesting destination, the

address on the network of the broadcasting source ensuring the broadcast of the video signal.

Nevertheless, in a similar field of endeavor Igawa discloses that each broadcasting source includes an address on the information transmission network allowing, at a destination, the connection to the broadcasting source and the reception of the video signal broadcast thereby (Col. 2 lines 25-52 fig 5),

and means for addressing, to the requesting destination, the address on the network of the broadcasting source ensuring the broadcast of the video signal (Col. 2 lines 25-52, col. 4 lines 36-67; fig 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rao by specifically providing the elements mentioned above, as taught by Igawa, for the purpose of allowing a reliable connection between the receiver and the source where content can be transmitted at high speeds.

Regarding **claim 8**, Rao and Igawa disclose all the limitations of claim 8; therefore, claim 8 is rejected for the same reasons stated in claim 1.

Regarding **claim 9**, Rao discloses a method comprising: configuring a source to provide a video stream at differing temporal shifts that are multiples of a common shift interval (Col. 15 lines 18-26 and figure 13B; NVOD service of the same content provided in staggered times),

receiving a request from a station for a video stream starting at a given position in the stream (Col. 19 lines 42-58 and figure 13B; user request),

identifying a source based on the given position, enabling the select source to provide the video stream based on the request (Col. 19 lines 42-58, col. 20 lines 2-25; if no subscriber has requested a certain stream then data does not start streaming until a user request is detected from a given position, see figure 13B).

However, it is noted that Rao fails to explicitly disclose a plurality of sources to provide a video stream and transmitting an Internet address corresponding to the select source to facilitate access to the select source by the station.

Nevertheless, in a similar field of endeavor Igawa discloses a plurality of sources to provide a video stream (Col. 7 lines 22-28 also exhibited on fig 9).

and transmitting an Internet address corresponding to the select source to facilitate access to the select source by the station (Col. 2 lines 25-52, col. 4 lines 36-67; also exhibited on figure 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rao by specifically providing the elements mentioned above, as taught by Igawa, for the purpose of including a group of sources that are capable of handling and servicing a big number of content requests by being able to address each one of the content sources individually; allowing a network workload to be more efficiently spread out through a group of networks.

Regarding **claim 10**, Rao and Igawa disclose the method of claim 9; moreover, Rao discloses determining that the select source is no longer being accessed, and disabling the select source when it is no longer being accessed (Col. 20 lines 19-25 also exhibited on fig 13B).

Regarding **claim 11**, Rao and Igawa disclose the method of claim 10; moreover, Rao discloses receiving a termination signal, and determining that the select source is no longer being accessed based on the termination signal (Col. 20 lines 19-25, col. 21 lines 13-18 also exhibited on fig 13B).

Regarding **claim 12**, Rao and Igawa disclose the method of claim 9; moreover, Rao discloses subsequently disabling the select source when it is no longer being accessed by either the station or the another station (Col. 20 lines 19-25, col. 21 lines 13-18 also exhibited on fig 13B).

However, it is noted that Rao fails to explicitly disclose retransmitting the Internet address of the selected source based on another request for the video stream from another station.

Nevertheless, in a similar field of endeavor Igawa discloses moreover, Igawa discloses retransmitting the Internet address of the select source based on another request for the video stream from another station (Col. 2 lines 25-52, col. 4 lines 36-67; fig 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rao by specifically providing the elements mentioned above, as taught by Igawa, for the purpose of allowing a reliable connection between the receiver and the source where content can be transmitted at high speeds.

Regarding **claim 13**, Rao and Igawa disclose the method of claim 9; moreover, Rao discloses receiving a second request from the station for the video stream at a different position in the stream (Col. 19 lines 42-58, col. 20 lines 2-25; request for stream in the middle of the content, see figure 13B),

identifying a different source based on the different position, enabling the different source (Col. 19 lines 42-58, col. 20 lines 2-25; start streaming from natural position in a dynamic channel after user request is received, see figure 13B),

However, it is noted that Rao fails to explicitly disclose transmitting a different Internet address corresponding to the different source to facilitate access to the different source by the station.

Nevertheless, in a similar field of endeavor Igawa discloses transmitting a different Internet address corresponding to the different source to facilitate access to the different source by the station (Col. 2 lines 25-52, col. 4 lines 36-67; fig 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rao by specifically providing the elements

mentioned above, as taught by Igawa, for the purpose of allowing a reliable connection between the receiver and the source where content can be transmitted at high speeds.

Regarding **claim 14**, Rao and Igawa disclose the method of claim 13; moreover, Rao discloses determining that the select source is no longer being accessed, and disabling the select source when it is no longer being accessed (Col. 20 lines 19-25, col. 21 lines 13-18 fig 13B).

Regarding **claims 15, 16, 17, 18, 19 and 20**, Rao and Igawa disclose all the limitations of claims 15, 16, 17, 18, 19 and 20; therefore, claims 15, 16, 17, 18, 19 and 20 are rejected for the same reasons as in claims 9, 10, 11, 12, 13 and 14, respectively.

5. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rao in view of Igawa further in view of Ganek et al (Patent No 5,682,597). Hereinafter, referenced as Ganek.

Regarding **claim 2**, Rao and Igawa disclose the system of claim 1; moreover, Rao discloses the elementary shift interval of video services (Col. 19 lines 42-58 and figure 14B; staggered times of about 5 minutes).

However, it is noted that Rao and Igawa fail to explicitly disclose that said elementary shift interval can be between 1 and 60 seconds

Nevertheless, in a similar field of endeavor Ganek discloses that said elementary shift interval can be between 1 and 60 seconds (Col. 1 lines 27-32, col. 4 lines 9-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rao and Igawa by specifically providing the elements mentioned above, as taught by Ganek, for the purpose implementing VCR-like commands in a NVOD system without much latency and delay for command execution.

6. **Claims 5 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao in view of Igawa further in view of O'Callaghan et al (Patent No 5,477,263). Hereinafter referenced as O'Callaghan.

Regarding **claim 5**, Rao and Igawa disclose the system of claim 1; Rao disclose at least on destination (Figure 2; subscriber terminal units 202).

However, it is noted that Rao and Igawa fail to explicitly disclose means for memorizing a position in the video signal during reception of a first video signal, and means for subsequently receiving a second video signal shifted temporally with respect to the first video signal as from the memorized position.

Nevertheless, in a similar field of endeavor O'Callaghan discloses means for memorizing a position in the video signal during reception of a first video signal (Col. 5 lines 12-39 also exhibited on fig 8; storing a program pointer),

and means for subsequently receiving a second video signal shifted temporally with respect to the first video signal as from the memorized position(Col. 5 lines 12-39 also exhibited on fig 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rao and Igawa by specifically providing the elements mentioned above, as taught by O'Callaghan, for the purpose of providing streaming content to the user with VCR-like functions as reliably and promptly as possible, with a relatively small waiting time.

Regarding **claim 6**, Rao and Igawa disclose the system of claim 1; moreover, Rao discloses a receiver for receiving the video signal from the broadcasting sources of the system as claimed in claim 1 (Figure 2; subscriber terminal units 202).

However, it is noted that Rao and Igawa fail to explicitly disclose that the receiver comprises: means for memorizing a position in the video signal during reception of a first video signal, and means for subsequently receiving a second video signal shifted temporally with respect to the first video signal as from the memorized position.

Nevertheless, in a similar field of endeavor O'Callaghan discloses that the receiver comprises: means for memorizing a position in the video signal during reception of a first video signal (Col. 5 lines 12-39 also exhibited on fig 8),

a and means for subsequently receiving a second video signal shifted temporally with respect to the first video signal as from the memorized position (Col. 5 lines 12-39 also exhibited on fig 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rao and Igawa by specifically providing the elements mentioned above, as taught by O'Callaghan, for the purpose of providing streaming content to the user with VCR-like functions as reliably and promptly as possible, with a relatively small waiting time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
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July 27, 2009

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